IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 4765 of 2004

Between:

1 K.V.Chalama Reddy son of late Mahanandi Reddy
Grade I , Telugu Pandit, Venkat Rao Memorial High School Fully Government Aided School, Laltarywaza, Hyderabad

2 G.Venkateshwarlu son of G.ch. Kondnaiah
S.G.B.T. Teacher, Venkat Rao Memorial Aided School (Fully Government Aided School) , Laldaraza, Hyderabad

3 H.Usha D/o Late B.P.Saxena,
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

4 Sugana Devi D/o Laxmaiah
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

5 B.Sham Sundez Sharma son of B.Narayane Des
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

6 M.Buchi Reddy son of Hamireddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

7 P.V.S.R. Manikysmba D/o P.Narasimha Sestry
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

8 Indira D/o of Shivaji Rao
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

9 C.Mysaiah son of Pochaiah
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
10 S.Balamani D/o S.Papaiah
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
11 B.Satyanarayana Reddy son of B.Venkat Reddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
12 P.Lakshama D/o P.Narayanareddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
13 P.Indira D/o P.J.R.Swamy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
14 B.Amitha D/o late B.Satya Narayanareddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
15 T.Arjun Singh son of T.Balaram Singh
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
16 V.Narahari Rao son of late V.enkateswarao
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
17 S.Jangareddy son of S.Chandrareddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
18 M.Kullyappn son of M.Gengarna
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
19 K.Konda Reddy son of K.Ramreddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad

20 G.Venka Reddy son of G.Paryathreddy
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
21 Kasturi V. D/o V.V.K.Rangarao
Venkat Rao Memorial High School Fully Government Aided School
Laldarwaza, Hyderabad
22 S.Sugunda D/o G.Sri Ram Pandit, wife of S.Srinvasrao
Girls High School Fully Government Aided School
Sarada Vidyalayam, Shamsheerugunj, Hyderabad
23 K.Vijaykumari D/o K.Ramachandrarao
S.P.G.Girish High School Fully Government Aided School
Shamsheer Gunj, Hyderabad
24 S.Prameels D/o Narayanaswamy
S.P.G.Girls High School Shamsheer Gunj
Hyderabad

..... PETITIONERS

AND

1 Prl. Secretary , End.Dept.,
Govt of AP Secretariat, Hyderabad
2 The Director and Commissioner of Collegiate Education,
AP., Hyderabad
3 Director& Commissioner of School Education
AP,. Hyderabad
4 The Audit Officer , Local Funds(Pay &Account)
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not preserving and paying to the petitioners the earned leave amount for 30 days for preventing the petitioners from availing the summer vacations of 1991 due to the election duty, by extending the benefit of the judgment dt. 30/08/99 in OA.No.

5428/1996 and batch of the AP Administrative Tribunal, Hyderabad as illegal arbitrary unwarranted and consequently direct the respondents to immediately pay said earned leave amount to the petitioners, and pass such other order or orders as are deem fit and proper in the interest of justice.

Counsel for the Petitioners: MR.M.KULLAYAPPA

Counsel for the Respondents: GP FOR EDUCATION

The Court Made the Following:

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY
AND
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY
WRIT PETITION NO.4765 OF 2004

ORDER: (per the Hon'ble Sri justice G.Bikshapathy)

This writ petition is filed seeking writ of Mandamus declaring the action of the respondents in not preserving and paying the petitioners the earned leave for 30 days for preventing the petitioners from availing the summer vacation of 1991 due to the election duty, by extending the benefit of the Judgment dated 30.08.1999 in O.A.Nos.5428 of 1996 and batch as illegal.

2. The petitioners are the teachers in a Government aided school. Their grievance is that they worked in election duty during summer vacation 1991 and therefore they are entitled for the earned leave amount for 30 days as was granted by the Tribunal in other O.A.Nos.5428 of 1996 and batch. This Court has taken objection as to the maintainability of the writ

petition in view of the laches on the part of the petitioners.

3. Even though the delay has not been explained in the affidavit, in any manner, yet, the learned counsel for the petitioner would submit that when the order of the Tribunal has benefited the Government employees in respect of the same relief, this Court ought to grant the same relief to the petitioners to approach this Court under Article 226 of the Constitution of India. Mere delay on the part of the petitioner would not disentitle them for their rightful claim. Therefore, he submits that the petitioners are entitled for similar relief despite there is delay in approaching this Court.

4. We are afraid we cannot accept the said contention. Admittedly, the relief which was sought relates to the period of May, 1991. The petitioners have kept quiet for 13 long years without approaching this Court. This Court cannot grant any relief to a person who is not vigilant on the principle of *vigilantibus non dornientibus jura subventiunt.*

5. Under those circumstances, we find that the writ petition is liable to be dismissed on the ground of laches.

6. Accordingly, the writ petition is dismissed. No costs.

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G. BIKSHAPATHY,

J

06TH JULY, 2004.

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B.SESHASAYANA REDDY, J

YCR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1 Prl. Secretary , End.Dept.,Govt of AP Secretariat, Hyderabad

2 The Director and Commissioner of Collegiate Education, AP., Hyderabad

3 Director& Commissioner of School Education , AP,. Hyderabad

4 The Audit Officer , Local Funds(Pay &Account), Hyderabad

5. 2 CCs to GP for Education, High Court Bldgs, Hyderabad (OUT).

6. 2 C.D copies.